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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,446	12/26/2001	Rick K. Southern	104981-4000	1727
28765	7590	01/27/2009	EXAMINER	
WINSTON & STRAWN LLP			A, PHI DIEU TRAN	
PATENT DEPARTMENT			ART UNIT	PAPER NUMBER
1700 K STREET, N.W.			3633	
WASHINGTON, DC 20006				
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01/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RICK SOUTHERN and RICHARD HIRSCH

Application No. 10/034,446
Technology Center 3600

Mailed: January 27, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on November 17, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is
ORDERED that the application is returned to the Examiner to:
1) consider the Reply Brief filed November 17, 2008 as indicated above; and
2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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